

JUDICIAL.

(Including Civil, Criminal, Police, and Registration.)

Subject No. 31.**Empowering Munsiffs to issue heirship certificates in their jurisdiction.**

Messrs. Guru Rao, Padmanabha and Chandrasekaraiah of Nanjangud Taluk, Keladi Venkappa.

Subject No. 32.**Succession Certificate Regulation, VII of 1901.**

Mr. S. R. Balakrishna Rao, P. A. L. B., Advocate, Shimoga Municipality.

Summary of discussion.—All the Munsiffs in the Province may be empowered to issue Heirship certificates to parties in their jurisdiction.*Withdrawn.**Summary of discussion.*—Section No. 4 of the Succession Certificate Regulation may be so amended as to exempt from its operation cases in which the defendant does not dispute the succession of the plaintiff. The amendment may be made by inserting the words “where the succession of the person so claiming is in dispute” immediately after clause (b). The reason is that the law being for the benefit of the debtors, the latter may dispense with the necessity for a certificate.*Reply of Government.*—The law is not only for the benefit of the debtors but to settle the disputes between claimants to succession. Succession certificates are not required by persons who are co-parceners with creditors who are deceased. The matter will be considered.**Subject No. 33.****Court fee stamps on Heirship certificates.**

Messrs. B. Sitaramaiah of Chikmagalur Taluk, S. R. Balakrishna Rao, Linga Gowda, Madappa and Kodandapani Chetty of the Mysore Taluk.

Subject No. 34.**The power of signing affidavits should be delegated to the Taluk Sheristadars and Sub-Registrars.**

Mr. Srikantaiya, Maddagiri Taluk.

Summary of discussion.—It is requested that Heirship certificates in respect of property below Rs 1,000 in value, may be exempted from payment of Court fees.*Reply of Government.*—(Vide Subject No. 32.)*Summary of discussion.*—Under the rules in force, all affidavits that are to be presented before Civil Courts must be signed by Taluk Magistrates. As they are often on circuit, people feel a great deal of inconvenience. To obviate this, the power of signing affidavits may be delegated to the Taluk Sheristadars and Sub-Registrars.*Reply of Government.*—This is not possible as the law is against it. The officers named are neither Magistrates nor Judges.**Subject No. 35.****Refund of Institution fee.**

Mr. N. Venkataramaiah of Holenarsipur Municipality.

Summary of discussion.—Refund of half the institution fee is ordered to be made in cases in which defendants admit the claim. The Hon'ble Chief Court has ordered that refund of fee should not be made without a rajinama signed by both the parties. This rule which causes hardship may be removed. Also refund of half the fee may be made in cases in which the parties compromise out of Court without contest.*Reply of Government.*—The question of amending Sec. 17 A of Regulation II of 1898 is under correspondence with the Chief Court.**Subject No. 36.****Reduction of fees on hypothecation deeds of coffee crops.**

Mr. Graham Anderson, C.I.E.

Summary of discussion.—Reduction of fees on hypothecation deeds (Vide copy of letter enclosed) may be ordered. Mr. Graham Anderson said that a reduction had been made

in Madras and that our rates might be brought into line with Madras rates.

Reply of Government.—The practice in British India will be ascertained and the representation considered.

Subject No. 37.

The abolition of Central Nazir system.

Mr. A. Ramanna.

Summary of Discussion.—The present Central Nazir system is a failure as processes are not served in time. The results of this are complicity in accounts and dissatisfaction among the litigant public owing to unnecessary adjournments or closing of cases without the production of necessary evidence. All the Judges have no hold upon him as he is a subordinate to only one of them. There is a Deputy Nazir in every Court and with the existing establishment of process servers the revival of the old system and the abolition of the office of the Central Nazir will produce better results.

Mr. Ramanna said that rules were all right. But they are not enforced strictly and promotions are not given to deserving men, nor accounts and duty registers properly kept. 15 out of 64 peons are employed on guard and other duty. Then there are left 49, or 10 for each taluk. This number is quite ample if each man serves about 250 instead of 360. But many of these peons are otherwise employed. Only 26 really do serving work. Rotation is not properly carried out. The rules should also be revised in certain respects and strictly enforced before considering the question of the abolition of the system.

Reply of Government.—The subject is under consideration, and any suitable changes needed will be made in the rules.

Subject No. 38.

Attachment of movable properties in connection with decrees from Civil Courts.

Mr. Hedase Devara Sastri of Koppa Taluk.

Summary of Discussion.—The amins charged with the execution of Civil Court decrees while attaching movable properties of defendants (Judgment-debtors generally bring with them persons deputed by the plaintiffs and take inventories without sufficient description of properties, with the result that, before sale, they are replaced by inferior articles. Such properties fetch very low prices and cause loss to the defendants. To put a stop to this it is requested that the amins may be required to take the inventories before the patel, the shanbhog and landholders, not less than three in number of the village in which such property is found and affix some distinguishing mark on each of the articles attached, giving at the same time a copy of the inventories to the defendants.

Reply of Government.—The proposal is impracticable unless the amins are empowered to enforce the appearance of the shanbhog and patel and three landholders. Such proceedings will greatly delay execution of decrees. The Chief Court have recently issued a rule of practice for giving an inventory of attached movables to the judgment